

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Dwayne Eddie Starks,	)	C/A No. 6:19-2300-SAL-KFM
	)	
Petitioner,	)	
	)	
v.	)	<b>OPINION &amp; ORDER</b>
	)	
Warden Lee Correctional Institution,	)	
	)	
Respondent.	)	
_____	)	

This matter is before the Court on Petitioner’s Motion to Stay, ECF No. 22, filed on December 16, 2019. Respondent opposes the motion. ECF No. 25. The Magistrate Judge reviewed the motion pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(c) (D.S.C.) and issued a Report and Recommendation (“Report”), ECF No. 27, on January 2, 2020. The Report concludes that Petitioner’s Motion to Stay should be denied, because Petitioner has failed to demonstrate a proper basis for staying this action under the standard in *Rhines v. Weber*, 544 U.S. 269 (2005). No party filed objections to the Report, and the time for response has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to, and the Court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the Court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the Court finds no clear error, adopts the Report, and incorporates the Report by reference herein. Accordingly, Petitioner's Motion to Stay, ECF No. 22, is **DENIED**.

**IT IS SO ORDERED.**

January 27, 2020  
Florence, South Carolina

/s/Sherri A. Lydon  
Sherri A. Lydon  
United States District Judge